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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,071	10/03/2001	John F. Ranta	B-26	9065
21253	7590	01/25/2005	EXAMINER	
CHARLES G. CALL 68 HORSE POND ROAD WEST YARMOUTH, MA 02673-2516			SAADAT, CAMERON	
			ART UNIT	PAPER NUMBER
			3713	
DATE MAILED: 01/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/970,071

Applicant(s)

RANTA ET AL.

Examiner

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 22-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/13/04 has been entered. Claims 1-19, 22-32 are pending in this application. Claims 20-21 are cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 22-32 are dependent upon cancelled claim 21. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 9-12, and 15-19, 22-25, 29-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold – *Virtual Teeth for Endodontics Training and Practice* in view of NASA Tech Briefs – *Haptic Technologies’ PenCAT/Pro 3D pen*.

Regarding claims 1 and 19, Arnold discloses a method and apparatus for simulating dental procedures for training dental students comprising, the steps of: storing volumetric data defining the location of an isosurface in a model of a tooth (See P. 599 ¶ 4 – P. 600); storing point data defining the positions of a plurality of feel points that model the surface of a dental tool; volume elements in three-dimensional space (as per claim 19); employing a processor and a display device to display a model of a tooth, employing said digital computer and display device to display a model of a dental tool; and employing a haptic interface device including the PenCat force-feedback device (manufactured by Haptic Technologies Inc.) that is manually moveable by a dental student and coupled to said digital computer and to move the model of a dental tool with respect to said model of a tooth (P. 600 ¶ 5 – 602) and employing the processor to compare the location of an isosurface in the tooth model with positions of feel points that model the surface of a dental tool to calculate and apply computer-controlled interaction forces to the PenCat force feedback device to simulate the feel of the dental tool to haptically simulate a dental procedure (P. 603, ¶ 7). Arnold does not explicitly disclose that the PenCat force feedback device includes a *stylus*. However, NASA Tech Briefs teaches that the Haptic Technologies’ PenCat device includes a stylus (See Photo). Thus, it would have been obvious to one of ordinary skill in the art to utilize the PenCat Stylus described in NASA Tech Briefs as suggested in Arnold, in order to simulate dental instruments for training in dental procedures (P. 603, ¶ 7).

Regarding claim 9, Arnold discloses a simulated dental procedure wherein said display device renders said model of a tooth and said model of a dental tool in a stereoscopic three dimensional display (P. 598 ¶ 3.1-3.2).

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Regarding claim 10, Arnold discloses a simulated dental procedure comprising a haptic interface device that is manually moveable by a dental student includes a moveable hand piece that is moveable in at least three degrees of freedom (P 601, top of page).

Regarding claim 11, Arnold discloses a simulated dental procedure wherein the display device renders the model of a tooth volumetrically as a solid object consisting of a collection of volume elements (See P. 599, ¶ 4 - 4.2).

Regarding claim 12, Arnold discloses a simulated dental procedure wherein said model of a tooth is subdivided into different regions simulating different materials of a tooth, including pulp tissue (P.597, ¶ 2) and root canals. It is not explicitly stated that the model includes enamel and dentin. However, it is the examiner's position that it would have been obvious to an artisan to provide a model that includes enamel and dentin surrounding the pulp tissue in order to provide a realistic simulation of a dental procedure, such as a root canal.

Regarding claim 15, Arnold discloses a simulated dental procedure including a means for storing volumetric object grid data specifying the attributes of selected volume elements (See P. 599, ¶ 4 - 4.2).

Regarding claim 17, Arnold discloses a method for simulating dental procedures including the step of responding the movement of the model of a dental tool with respect to the model of a tooth by modifying volumetric object grid data (See P 601).

Regarding claims 18 and 22-23, Arnold discloses a method including a means for storing data for representing the shape and character of a modification region (collision detection) of the model of a dental tool to control the manner in which the volumetric object grid data is modified (See P. 601-602; P. 603, ¶ 7).

Regarding claim 24 Arnold discloses a method, wherein the simulation program increases interaction forces to the stylus when moved near a tooth (as per claim 24) as a user guides the simulated instrument through a root canal (See P. 603, ¶ 7).

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Regarding claim 25, Arnold discloses a method for simulating dental procedures including a simulated dental tool comprising feel points defined for a stylus. Although not explicitly stating that the feel points define a handle portion, the feel points must include a handle portion since the stylus is grasped by a user's hand.

Regarding claim 29, Arnold discloses a method wherein some of the feel points are positioned relative to a modification region to guide the movement of the modification region with respect to the tooth model (See P. 603, ¶ 7).

Regarding claims 30-32, Arnold discloses a method wherein tool definition data includes specification of location of sensor points relative to modification region for determining attributes of volume elements P. 603-603).

Claims 2-8, 13-14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold – *Virtual Teeth for Endodontics Training and Practice* in view of NASA Tech Briefs – *Haptic Technologies' PenCAT/Pro 3D pen*, further in view of Hayka et al. (USPN 5,688,118; hereinafter Hayka).

Regarding claims 2-8, 13-14 Arnold discloses a system that simulates a dental tool for performing a root canal procedure (See P. 603, ¶ 7), which includes drilling and removing pulp tissue from canals, shaping, and sealing (P. 597, ¶ 2). Arnold does not explicitly disclose that the simulated dental tool is a pick (as per claim 2), drill (as per claims 3 and 13), amalgam carrier (as per claims 4 and 14), carver (as per claim 5), and combinations thereof (as per claims 6-8). However, it is the examiner's position that it would be obvious to one of ordinary skill in the art to simulate various dental tools required for specific dental operations. For instance, Hayka discloses a system that can be configured to simulate of various dental procedures such as cavity preparations, crown preparations, root canal preparations, and all other performances carried out by means of the dental hand piece and/or hand tools, including a chisel, an angle former, and enamel hatchet (Col. 12, lines 32-40). Hence, in view of Hayka, it would have been obvious

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to an artisan to modify the simulated dental tool (PenCat) described in Arnold by allowing configuration to simulate various dental tools in order to provide training for specific dental operations, such as a root canal.

Regarding claim 16, Arnold discloses a method for simulating dental procedures including the step of responding the movement of the model of a dental tool with respect to the model of a tooth by modifying volumetric object grid data (See P 601).

Allowable Subject Matter

Claims 26-28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is an examiner's statement of reasons for allowance: The closest prior art of record does not teach or fairly suggest all or the claimed subject matter of independent claim 19 in combination with the features of (as per claim 26) positioning feel points outwardly from a modification region to increase the amount of force necessary to modify data representing a tooth; (as per claim 27) positioning feel points inwardly into a modification region to decrease the amount of force necessary to modify data representing a tooth; and (as per claim 28) positioning adjacent feel points spaced by a distance larger than the dimension of projecting portions of a tooth to facilitate the removal of the projecting portions.

Response to Arguments

Applicant's arguments with respect to claims 1-19 and 22-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Ho, Stephen (WO 00/60571 A1) discloses a haptic interface system for collision detection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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AN3713